



Sen. James F. Clayborne Jr.

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LRB094 04462 HLH 57767 a

1 AMENDMENT TO SENATE BILL 836

2 AMENDMENT NO. _____. Amend Senate Bill 836 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Municipal Code is amended by
5 changing Sections 8-4-1, 11-74.3-1, 11-74.3-3.1, and
6 11-74.3-6, by changing and renumbering Section 11-74.3-3, and
7 by adding Sections 11-74.3-2, 11-74.3-3.2, 11-74.3-4.5,
8 11-74.3-5.5, and 11-74.3-7 as follows:

9 (65 ILCS 5/8-4-1) (from Ch. 24, par. 8-4-1)

10 Sec. 8-4-1. No bonds shall be issued by the corporate
11 authorities of any municipality until the question of
12 authorizing such bonds has been submitted to the electors of
13 that municipality provided that notice of the bond referendum,
14 if held before July 1, 1999, has been given in accordance with
15 the provisions of Section 12-5 of the Election Code in effect
16 at the time of the bond referendum, at least 10 and not more
17 than 45 days before the date of the election, notwithstanding
18 the time for publication otherwise imposed by Section 12-5, and
19 approved by a majority of the electors voting upon that
20 question. Notices required in connection with the submission of
21 public questions on or after July 1, 1999 shall be as set forth
22 in Section 12-5 of the Election Code. The clerk shall certify
23 the proposition of the corporate authorities to the proper
24 election authority who shall submit the question at an election

1 in accordance with the general election law, subject to the
2 notice provisions set forth in this Section.

3 Notice of any such election shall contain the amount of the
4 bond issue, purpose for which issued, and maximum rate of
5 interest.

6 However, without the submission of the question of issuing
7 bonds to the electors, the corporate authorities of any
8 municipality may authorize the issuance of any of the following
9 bonds:

10 (1) Bonds to refund any existing bonded indebtedness;

11 (2) Bonds to fund or refund any existing judgment
12 indebtedness;

13 (3) In any municipality of less than 500,000 population,
14 bonds to anticipate the collection of installments of special
15 assessments and special taxes against property owned by the
16 municipality and to anticipate the collection of the amount
17 apportioned to the municipality as public benefits under
18 Article 9;

19 (4) Bonds issued by any municipality under Sections 8-4-15
20 through 8-4-23, 11-23-1 through 11-23-12, 11-25-1 through
21 11-26-6, 11-71-1 through 11-71-10, 11-74.3-1 through
22 11-74.3-7, 11-74.4-1 through 11-74.4-11, 11-74.5-1 through
23 11-74.5-15, 11-94-1 through 11-94-7, 11-102-1 through
24 11-102-10, 11-103-11 through 11-103-15, 11-118-1 through
25 11-118-6, 11-119-1 through 11-119-5, 11-129-1 through
26 11-129-7, 11-133-1 through 11-133-4, 11-139-1 through
27 11-139-12, 11-141-1 through 11-141-18 of this Code or 10-801
28 through 10-808 of the Illinois Highway Code, as amended;

29 (5) Bonds issued by the board of education of any school
30 district under the provisions of Sections 34-30 through 34-36
31 of The School Code, as amended;

32 (6) Bonds issued by any municipality under the provisions
33 of Division 6 of this Article 8; and by any municipality under
34 the provisions of Division 7 of this Article 8; or under the

1 provisions of Sections 11-121-4 and 11-121-5;

2 (7) Bonds to pay for the purchase of voting machines by any
3 municipality that has adopted Article 24 of The Election Code,
4 approved May 11, 1943, as amended;

5 (8) Bonds issued by any municipality under Sections 15 and
6 46 of the "Environmental Protection Act", approved June 29,
7 1970;

8 (9) Bonds issued by the corporate authorities of any
9 municipality under the provisions of Section 8-4-25 of this
10 Article 8;

11 (10) Bonds issued under Section 8-4-26 of this Article 8 by
12 any municipality having a board of election commissioners;

13 (11) Bonds issued under the provisions of "An Act to
14 provide the manner of levying or imposing taxes for the
15 provision of special services to areas within the boundaries of
16 home rule units and nonhome rule municipalities and counties",
17 approved September 21, 1973;

18 (12) Bonds issued under Section 8-5-16 of this Code;

19 (13) Bonds to finance the cost of the acquisition,
20 construction or improvement of water or wastewater treatment
21 facilities mandated by an enforceable compliance schedule
22 developed in connection with the federal Clean Water Act or a
23 compliance order issued by the United States Environmental
24 Protection Agency or the Illinois Pollution Control Board;
25 provided that such bonds are authorized by an ordinance adopted
26 by a three-fifths majority of the corporate authorities of the
27 municipality issuing the bonds which ordinance shall specify
28 that the construction or improvement of such facilities is
29 necessary to alleviate an emergency condition in such
30 municipality;

31 (14) Bonds issued by any municipality pursuant to Section
32 11-113.1-1;

33 (15) Bonds issued under Sections 11-74.6-1 through
34 11-74.6-45, the Industrial Jobs Recovery Law of this Code.

1 (Source: P.A. 90-706, eff. 8-7-98; 90-812, eff. 1-26-99; 91-57,
2 eff. 6-30-99.)

3 (65 ILCS 5/11-74.3-1) (from Ch. 24, par. 11-74.3-1)

4 Sec. 11-74.3-1. Declaration of public purpose.

5 It is hereby found and declared:

6 (1) It may be considered essential to the economic and
7 social welfare of each municipality that business districts be
8 developed, improved, maintained and revitalized, that jobs and
9 opportunity for employment be created within the municipality,
10 and that, if blighting conditions are present, blighting
11 conditions be eradicated by assuring opportunities for
12 development or redevelopment and attracting sound and stable
13 commercial growth.

14 (2) Such a result should conform with a comprehensive plan
15 of the municipality and a specific plan for business districts
16 officially approved by the corporate authorities of the
17 municipality after a public hearing ~~hearings~~.

18 (3) The exercise of the powers provided in this Division is
19 dedicated to the promotion of the public interest, ~~and~~ to the
20 enhancement of the tax base within ~~of~~ business districts, the
21 creation of employment, and the eradication of blight, if
22 present within the business district, and the use of such
23 powers for the development and redevelopment of business
24 districts ~~of a municipality~~ is hereby declared to be a public
25 use essential to the public interest.

26 (Source: P.A. 78-793.)

27 (65 ILCS 5/11-74.3-2 new)

28 Sec. 11-74.3-2. Definitions. Capitalized terms used in
29 this Division 74.3 and not otherwise defined in this Division
30 74.3 shall have the following meanings:

31 "Blighted area" means an area that, (a) by reason of the
32 predominance of defective or inadequate street layout,

1 unsanitary or unsafe conditions, deterioration of site
2 improvements, improper subdivision or obsolete platting, or
3 the existence of conditions that endanger life or property by
4 fire or other causes, or any combination of those factors,
5 retards the provision of housing accommodations or constitutes
6 an economic or social liability or a menace to the public
7 health, safety, morals, or welfare in its present condition and
8 use, or (b) has been declared blighted or found to be a
9 blighted area pursuant to the Tax Increment Allocation
10 Redevelopment Act, 65 ILCS 5/11-74.4-1 et seq or the Industrial
11 Jobs Recovery Law, 65 ILCS 5/11-74.61 et seq; or (c) is
12 blighted pursuant to the definition of "blight" as contained in
13 the Tax Increment Allocation Redevelopment Act, 65 ILCS
14 5/11-74.4-1 or the Industrial Jobs Recovery Law, 65 ILCS
15 5/11-74.6-1 et seq.

16 "Board" means the board of directors of the district.

17 "Business district plan" shall mean the written plan for
18 the development or redevelopment and the construction of
19 various physical improvements to or benefiting the district
20 area, through the payment of business district project costs,
21 which plan is in accordance with the requirements of this
22 Division 74.3.

23 "Business district project costs" shall mean and include
24 the sum total of all costs incurred by a district, other
25 governmental entity or nongovernmental person in the
26 furtherance of a business district plan or incidental to
27 development or redevelopment within or for the benefit of the
28 district area, including, without limitation, the following:

29 (1) costs of studies, surveys, development of plans and
30 specifications, implementation and administration of a
31 business district plan, and personnel and professional
32 service costs for architectural, engineering, legal,
33 marketing, financial, planning, police, fire, public
34 works, or other services, provided that no charges for

1 professional services may be based on a percentage of tax
2 revenues;

3 (2) property assembly costs, including but not limited
4 to, acquisition of land and other real or personal property
5 or rights or interests therein, and specifically including
6 payments to developers or other nongovernmental persons as
7 reimbursement for property assembly costs incurred by that
8 developer or other nongovernmental person;

9 (3) site preparation costs, including but not limited
10 to clearance, demolition or removal of any existing
11 buildings, structures, fixtures, utilities and
12 improvements and clearing and grading; and including
13 installation, repair, construction, reconstruction,
14 extension, or relocation of public streets, public
15 utilities, and other public site improvements within or
16 without the district area which are essential to the
17 preparation of the district area for the use in accordance
18 with the business district plan, and specifically
19 including payments to developers or other nongovernmental
20 persons as reimbursement for site preparation costs
21 incurred by the developer or nongovernmental person;

22 (4) costs of renovation, rehabilitation,
23 reconstruction, relocation, repair or remodeling of any
24 existing buildings, improvements, and fixtures within the
25 district area, and specifically including payments to
26 developers or other nongovernmental persons as
27 reimbursement for costs incurred by those developers or
28 nongovernmental persons;

29 (5) costs of installation or construction within the
30 district area of buildings, structures, works, streets,
31 improvements, equipment, utilities, or fixtures, and
32 specifically including payments to developers or other
33 nongovernmental persons as reimbursements for such costs
34 incurred by such developer or nongovernmental person;

1 (6) financing costs, including but not limited to all
2 necessary and incidental expenses related to the issuance
3 of obligations, payment of any interest on any obligations
4 issued under this Division 74.3 that accrues during the
5 estimated period of construction of any development or
6 redevelopment project for which those obligations are
7 issued and for not exceeding 36 months thereafter, and any
8 reasonable reserves related to the issuance of those
9 obligations; and

10 (7) relocation costs to the extent that a district
11 determines that relocation costs shall be paid or is
12 required to make payment of relocation costs by federal or
13 State law.

14 "Director" means a duly appointed director on the board of
15 a district.

16 "District" shall mean either (i) a political subdivision of
17 the State, having the district area as its corporate limits, or
18 (ii) an area of the municipality consisting of the district
19 area, in either case, as designated in the Development Plan and
20 as created by a municipality in accordance with this Division
21 74.3.

22 "District area" means an improved or vacant area within a
23 municipality and that has been established by that municipality
24 in accordance with this Division 74.3.

25 "Municipality" means any city, village or incorporated
26 town within the State.

27 "Municipal clerk" means the office within any municipality
28 designated as the office with the duty and authority for
29 keeping, maintaining, and recording the records and
30 proceedings of that municipality.

31 (65 ILCS 5/11-74.3-3.1 new)

32 Sec. 11-74.3-3.1. Powers of Districts that are Political
33 Subdivisions. If the business district plan provides and the

1 district is created as a political subdivision of the State,
2 the district shall have all powers, except to the extent any
3 such power has been limited by the business district plan for
4 such district approved by the municipality, to carry out and
5 effectuate the purposes and provisions of such business
6 district plan and this Division 74.3, including but not limited
7 to, the following:

8 (1) To adopt by-laws for the district in the form
9 provided for in the business district plan;

10 (2) To sue and be sued;

11 (3) To exercise the use of eminent domain for the
12 acquisition of real and personal property for the purpose of
13 implementing development or redevelopment within the district
14 area or which benefits the district area;

15 (4) To acquire, manage, convey or otherwise dispose of
16 real and personal property according to the provisions of a
17 business district plan;

18 (5) To apply for and accept capital grants and loans
19 from the United States and the state, or any instrumentality of
20 the United States or the state, for business district
21 development and redevelopment;

22 (6) To borrow funds as it may be deemed necessary to
23 pay business district project costs, and in this connection
24 issue one or more series of obligations or revenue bonds,
25 bearing interest at a rate determined by the board of the
26 district, secured by the business district tax allocation fund
27 set forth in Section 11-74.3-6, and as it shall be deemed
28 necessary, subject to applicable statutory limitations,
29 including the pledge of its revenues to another authority in
30 connection with the issuance of obligations to finance
31 development within or for the benefit of the district area;

32 (7) To enter into contracts with any public or private
33 agency or person;

34 (8) To sell, lease, trade or improve real property;

1 (9) To employ all such persons as may be necessary for
2 the planning, administration and implementation of the
3 business district plan;

4 (10) To expend such public funds as may be necessary
5 for the planning, execution and implementation of the business
6 district plan;

7 (11) To levy by resolution of the board, a retailers'
8 occupation tax and a service occupation tax in the district
9 area for the planning, execution, and implementation of the
10 business district plan, to pay for business district project
11 costs, and to pay any obligations issued to finance business
12 district project costs, to the extent such taxes are authorized
13 by the business district plan approved by the municipality;

14 (12) To impose by resolution a hotel operators'
15 occupation tax within the business district for the planning,
16 execution, and implementation of business district plans and to
17 pay for the business district project costs as set forth in the
18 business district plan approved by the municipality;

19 (13) To utilize revenues received under this Division
20 from one district area for eligible business district project
21 costs in another district area that is contiguous to, or is
22 separated only by a public right of way from, the district area
23 from which the revenues are received, provided that any
24 transfer or loan of revenues received from one district area to
25 another district area shall have first been approved in the
26 business district plan approved for each district area.

27 In addition to the foregoing, each district area which is
28 located within a blighted area or includes a blighted area,
29 shall have the additional power to expend its revenues or loan
30 its revenues pursuant to a contract with any private property
31 owner to improve such private property, provided that such
32 improvements are reasonably anticipated to remediate some or
33 all of the blighting conditions and are in the furtherance of
34 the objectives of the business district plan.

1 (65 ILCS 5/11-74.3-3.2) (from Ch. 24, par. 11-74.3-3, was
2 65 ILCS 5/11-74.3-3)
3 Sec. 11-74.3-3.2 ~~11-74.3-3~~. Powers of municipality with
4 respect to districts that are not political subdivisions. If
5 the business district plan provides and the district is created
6 as an area of the municipality and not a separate political
7 subdivision, in ~~in~~ carrying out a business district development
8 or redevelopment plan, the corporate authorities of each
9 municipality shall have the following powers:

10 (1) To approve all development and redevelopment
11 proposals for a business district.

12 (2) To exercise the use of eminent domain for the
13 acquisition of real and personal property for the purpose
14 of a development or redevelopment project.

15 (3) To acquire, manage, convey or otherwise dispose of
16 real and personal property according to the provisions of a
17 development or redevelopment plan.

18 (4) To apply for and accept capital grants and loans
19 from the United States and the State of Illinois, or any
20 instrumentality of the United States or the State, for
21 business district development and redevelopment.

22 (5) To borrow funds as it may be deemed necessary for
23 the purpose of business district development and
24 redevelopment, and in this connection issue such
25 obligation or revenue bonds as it shall be deemed
26 necessary, subject to applicable statutory limitations.

27 (6) To enter into contracts with any public or private
28 agency or person.

29 (7) To sell, lease, trade or improve real property in
30 connection with business district development and
31 redevelopment plans.

32 (8) To employ all such persons as may be necessary for
33 the planning, administration and implementation of

1 business district plans.

2 (9) To expend such public funds as may be necessary for
3 the planning, execution and implementation of the business
4 district plans.

5 (10) To establish by ordinance or resolution
6 procedures for the planning, execution and implementation
7 of business district plans.

8 (11) To create a Business District Development and
9 Redevelopment Commission to act as agent for the
10 municipality for the purposes of business district
11 development and redevelopment.

12 (12) To impose a retailers' occupation tax and a
13 service occupation tax in the business district for the
14 planning, execution, and implementation of business
15 district plans and to pay for business district project
16 costs as set forth in the business district plan approved
17 by the municipality.

18 (13) To impose a hotel operators' occupation tax in the
19 business district for the planning, execution, and
20 implementation of business district plans and to pay for
21 the business district project costs as set forth in the
22 business district plan approved by the municipality.

23 (14) To issue obligations in one or more series bearing
24 interest at rates determined by the corporate authorities
25 of the municipality by ordinance and secured by the
26 business district tax allocation fund set forth in Section
27 11-74.3-6 for the business district to provide for the
28 payment of business district project costs.

29 (15) To utilize revenues received under this Division
30 from one district area for eligible business district
31 project costs in another business district area that is
32 contiguous to, or is separated only by a public right of
33 way, the district area from which the revenues are
34 received, provided that any transfer or loan of revenues

1 from one district area to another area shall have first
2 been approved in the business district plan approved for
3 each district area.

4 The powers granted to municipalities in this division shall
5 not be construed as a limitation on the powers of a home rule
6 municipality granted by Article VII of the Illinois
7 Constitution.

8 This amendatory Act of the 91st General Assembly is
9 declarative of existing law and is not a new enactment.

10 (Source: P.A. 93-1053, eff. 1-1-05.)

11 (65 ILCS 5/11-74.3-4.5 new)

12 Sec. 11-74.3-4.5. Establishment of districts. The
13 corporate authorities of a municipality may establish one or
14 more districts in the manner provided in this Section
15 11-74.3-4. The following procedures shall apply to the
16 establishment of a district:

17 (1) Business district plan. The corporate authorities
18 of the municipality shall cause to be prepared a business
19 district plan, which shall:

20 (a) designate whether the district is to be a
21 separate political subdivision of the State, or not a
22 separate political subdivision but a district of the
23 municipality;

24 (b) set forth a specific description of the
25 boundaries of the proposed district area;

26 (c) contain a map illustrating the boundaries of
27 the proposed district area;

28 (d) contain a general description of each project
29 proposed to be undertaken within or for the benefit of
30 the district area, including a description of the
31 approximate location of each project;

32 (e) set forth the name of the proposed district;

33 (f) if the district is to be a separate political

1 subdivision, set forth the number of directors to be on
2 the district's board;

3 (g) set forth an estimate of business district
4 project costs reasonably anticipated to be paid or
5 incurred;

6 (h) set forth the anticipated source of funds to
7 pay business district project costs;

8 (i) set forth the anticipated nature and term of
9 any obligations to be issued; and

10 (j) if the district is to be a separate political
11 subdivision, the form of the proposed by-laws by which
12 the board shall govern the district.

13 The business district plan shall be placed on file with
14 the municipal clerk and available for review by any
15 interested party on or before the date notice of the public
16 hearing is first published or mailed.

17 (2) Amendments to the plan.

18 (a) Amendments to a business district plan may be
19 made that do not change the proposed boundaries of the
20 proposed district area if the following times and the
21 following requirements have been met:

22 (i) At any time prior to the close of the
23 public hearing required pursuant to subdivision
24 (3) of this Section; provided that, notice of the
25 contents of the amendment to the business district
26 plan is given at the public hearing.

27 (ii) At any time after the public hearing and
28 prior to the adoption of an ordinance adopting the
29 proposed district; provided that, notice of the
30 amendments to the business district plan is given
31 by publishing the notice in a newspaper of general
32 circulation within the municipality and by sending
33 the notice by registered or certified United
34 States mail with a return receipt attached to the

1 address of record of each owner of record of real
2 property within the boundaries of the proposed
3 district area per the tax records of the county
4 clerk. Such notice shall be published and mailed
5 not less than 10 days prior to the adoption of the
6 ordinance establishing the district.

7 (b) Amendments to a business district plan that
8 change the proposed boundaries of the proposed
9 district area and amendments to the business district
10 plan made at any time after the adoption of any
11 ordinance establishing the district, may be made by
12 adoption by the governing body of the municipality in
13 which the district is located of an ordinance approving
14 the amendment to the business district plan, after a
15 public hearing on the amendment to the business
16 district plan is held and notice of the public hearing
17 is given in the manner provided in subdivision (3) of
18 this Section.

19 (3) Public hearing. The corporate authorities of the
20 municipality shall conduct a public hearing at which
21 members of the general public shall be given an opportunity
22 to be heard regarding the terms of the business district
23 plan and the establishment of the district. All reasonable
24 protests, objections and endorsements shall be heard at the
25 public hearing; provided, however, that the corporate
26 authorities of the municipality may establish reasonable
27 rules regarding the length of time provided to members of
28 the general public. The public hearing may be continued to
29 another date without further notice other than a motion to
30 be entered upon the minutes fixing the date, time, and
31 place of the continuance of the public hearing. Notice of
32 the public hearing shall be given as follows:

33 (a) Notice by publication shall be given in a
34 newspaper of general circulation within the

1 municipality, published twice, the first publication
2 to be not more than 30 days and the last publication to
3 not be less than 10 days prior to the date of the
4 public hearing.

5 (b) Notice by mail shall be given to the record
6 owner, based on the assessor's records as of the date
7 that is not more than 30 days and not less than 15 days
8 prior to the date of the public hearing, of fee simple
9 title to all real property located within the proposed
10 district area, which notices shall be sent by certified
11 United States mail, return receipt requested.

12 (c) Each notice shall contain the following
13 information:

14 (i) the date, time, and place of the public
15 hearing;

16 (ii) a statement that the business district
17 plan has been filed with the municipal clerk of the
18 municipality and is available for review at the
19 office of the municipal clerk during the
20 municipality's regular business hours;

21 (iii) the boundaries and map of the proposed
22 district, as contained in the business district
23 plan, provided that a map shall not be required
24 with respect to any published notice; and

25 (iv) a statement that all interested persons
26 shall be given an opportunity to be heard at the
27 public hearing.

28 (4) Establishment of district by ordinance. After the
29 final adjournment of the public hearing required by
30 subdivision (3) of this Section, the corporate authorities
31 of the municipality may establish the district by adopting
32 an ordinance approving the business district plan,
33 establishing the district, and making the following
34 findings:

1 (a) the proposed district area is contiguous; and
2 (b) the proposed business district plan conforms
3 to the comprehensive plan of the municipality as a
4 whole, or, for municipalities with a population of
5 100,000 or more, (i) conforms to the strategic economic
6 development plan or redevelopment plan, if any, issued
7 by the designated planning authority of the
8 municipality or (ii) includes uses that have been
9 approved by the planning commission of the
10 municipality.

11 The establishment ordinance may include the finding that
12 the district is a blighted area.

13 (65 ILCS 5/11-74.3-5.5 new)

14 Sec. 11-74.3-5.5. Governance by Board of directors;
15 election; qualifications.

16 (1) If the district is to be a separate political
17 subdivision of the State, the district shall be governed by a
18 board consisting of the number of directors as set forth in the
19 business district plan, of which there shall be at least 5 but
20 not more than 10 directors. Each director shall, during his or
21 her entire term:

22 (a) be at least 18 years of age; and

23 (b) have any other qualifications that may be set forth
24 in the business district plan.

25 (2) If the district is to be a separate political
26 subdivision of the State, directors shall be appointed by the
27 chief elected officer of the municipality with the consent of
28 the corporate authorities of the municipality. One-half of the
29 initial directors shall be appointed to serve a 3-year term,
30 one-half shall be appointed to serve for a 2-year term, and if
31 an odd number of directors are to be initially appointed, the
32 odd Director shall serve for a 2-year term; provided that each
33 director shall serve until that director's successor is

1 appointed. Each successor director shall serve a term of 2
2 years; provided that the term shall continue until the
3 director's successor is appointed. In the event of a vacancy on
4 the board of directors, the municipality shall appoint, in the
5 manner described in this subdivision (2), an interim director
6 to fill the vacancy for the unexpired term.

7 (3) If the district is to be a separate political
8 subdivision of the State, any director may be removed for cause
9 by a two-thirds affirmative vote of the directors of the board.
10 Written notice of the proposed removal shall be given to all
11 directors prior to action thereon. A director may not be
12 removed by the municipality or the board without cause.

13 (4) If the district is to be a separate political
14 subdivision of the State, the board shall possess and exercise
15 all of the district's legislative and executive powers. A
16 simple majority of the board shall constitute a quorum. If a
17 quorum exists, a majority of those voting shall have the
18 authority to act in the name of the board and to approve any
19 resolution. Each director shall devote such time to the duties
20 of the office as the faithful discharge thereof may require and
21 may be reimbursed for his or her actual expenditures in the
22 performance of duties on behalf of the district. Meetings and
23 actions of the board shall otherwise be governed by the terms
24 of the district's by-laws. The board may appoint officers and
25 delegate its executive power to such officer to the extent
26 provided for in the by-laws, the form of which is to be
27 contained in the business district plan.

28 (65 ILCS 5/11-74.3-6)

29 Sec. 11-74.3-6. Business district revenue and obligations.

30 (a) If the corporate authorities of a municipality have
31 approved a business district development or redevelopment plan
32 and have elected to impose a tax by ordinance pursuant to
33 subsections (b), (c), or (d) of this Section, or the board of a

1 district has elected to impose a tax by resolution pursuant to
2 subsection (b), (c), or (d), then each year after the date of
3 the approval of the ordinance and until all business district
4 project costs and all municipal obligations financing the
5 business district project costs, if any, have been paid in
6 accordance with the business district development or
7 redevelopment plan, but in no event longer than 23 years after
8 the date of adoption of the ordinance or resolution approving
9 the ~~tax business district development or redevelopment plan,~~
10 all amounts generated by the retailers' occupation tax and
11 service occupation tax shall be collected and the tax shall be
12 enforced by the Department of Revenue in the same manner as all
13 retailers' occupation taxes and service occupation taxes
14 imposed in the municipality imposing the tax or the
15 municipality in which the district is located, and all amounts
16 generated by the hotel operators' occupation tax shall be
17 collected and the tax shall be enforced by the municipality or
18 the district in the same manner as all hotel operators'
19 occupation taxes imposed in the municipality imposing the tax
20 or the municipality in which the district is located. The
21 corporate authorities of the municipality shall deposit the
22 proceeds of the taxes imposed under subsections (b), (c), and
23 (d) into a special fund held by the corporate authorities of
24 the municipality called the Business District Tax Allocation
25 Fund for the purpose of paying business district project costs
26 and obligations incurred in the payment of those costs.

27 (b) The corporate authorities of a municipality that has
28 established a business district under this Division 74.3 or a
29 district which is established by a municipality as a political
30 subdivision of the State may, by ordinance or resolution,
31 impose a Business District Retailers' Occupation Tax upon all
32 persons engaged in the business of selling tangible personal
33 property, other than an item of tangible personal property
34 titled or registered with an agency of this State's government,

1 at retail in the business district at a rate not to exceed 1%
2 of the gross receipts from the sales made in the course of such
3 business, to be imposed only in 0.25% increments. The tax may
4 not be imposed on food for human consumption that is to be
5 consumed off the premises where it is sold (other than
6 alcoholic beverages, soft drinks, and food that has been
7 prepared for immediate consumption), prescription and
8 nonprescription medicines, drugs, medical appliances,
9 modifications to a motor vehicle for the purpose of rendering
10 it usable by a disabled person, and insulin, urine testing
11 materials, syringes, and needles used by diabetics, for human
12 use.

13 The tax imposed under this subsection and all civil
14 penalties that may be assessed as an incident thereof shall be
15 collected and enforced by the Department of Revenue. The
16 certificate of registration that is issued by the Department to
17 a retailer under the Retailers' Occupation Tax Act shall permit
18 the retailer to engage in a business that is taxable under any
19 ordinance or resolution enacted pursuant to this subsection
20 without registering separately with the Department under such
21 ordinance or resolution or under this subsection. The
22 Department of Revenue shall have full power to administer and
23 enforce this subsection; to collect all taxes and penalties due
24 under this subsection in the manner hereinafter provided; and
25 to determine all rights to credit memoranda arising on account
26 of the erroneous payment of tax or penalty under this
27 subsection. In the administration of, and compliance with, this
28 subsection, the Department and persons who are subject to this
29 subsection shall have the same rights, remedies, privileges,
30 immunities, powers and duties, and be subject to the same
31 conditions, restrictions, limitations, penalties, exclusions,
32 exemptions, and definitions of terms and employ the same modes
33 of procedure, as are prescribed in Sections 1, 1a through 1o, 2
34 through 2-65 (in respect to all provisions therein other than

1 the State rate of tax), 2c through 2h, 3 (except as to the
2 disposition of taxes and penalties collected), 4, 5, 5a, 5c,
3 5d, 5e, 5f, 5g, 5i, 5j, 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11,
4 12, 13, and 14 of the Retailers' Occupation Tax Act and all
5 provisions of the Uniform Penalty and Interest Act, as fully as
6 if those provisions were set forth herein.

7 Persons subject to any tax imposed under this subsection
8 may reimburse themselves for their seller's tax liability under
9 this subsection by separately stating the tax as an additional
10 charge, which charge may be stated in combination, in a single
11 amount, with State taxes that sellers are required to collect
12 under the Use Tax Act, in accordance with such bracket
13 schedules as the Department may prescribe.

14 Whenever the Department determines that a refund should be
15 made under this subsection to a claimant instead of issuing a
16 credit memorandum, the Department shall notify the State
17 Comptroller, who shall cause the order to be drawn for the
18 amount specified and to the person named in the notification
19 from the Department. The refund shall be paid by the State
20 Treasurer out of the business district retailers' occupation
21 tax fund.

22 The Department shall immediately pay over to the State
23 Treasurer, ex officio, as trustee, all taxes, penalties, and
24 interest collected under this subsection for deposit into the
25 business district retailers' occupation tax fund. On or before
26 the 25th day of each calendar month, the Department shall
27 prepare and certify to the Comptroller the disbursement of
28 stated sums of money to named municipalities or district, as
29 applicable, from the business district retailers' occupation
30 tax fund, the municipalities or districts to be those from
31 which retailers have paid taxes or penalties under this
32 subsection to the Department during the second preceding
33 calendar month. The amount to be paid to each municipality or
34 district shall be the amount (not including credit memoranda)

1 collected under this subsection during the second preceding
2 calendar month by the Department plus an amount the Department
3 determines is necessary to offset any amounts that were
4 erroneously paid to a different taxing body, and not including
5 an amount equal to the amount of refunds made during the second
6 preceding calendar month by the Department, less 2% of that
7 amount, which shall be deposited into the Tax Compliance and
8 Administration Fund and shall be used by the Department,
9 subject to appropriation, to cover the costs of the Department
10 in administering and enforcing the provisions of this
11 subsection, on behalf of such municipality or district, and not
12 including any amount that the Department determines is
13 necessary to offset any amounts that were payable to a
14 different taxing body but were erroneously paid to the
15 municipality or district. Within 10 days after receipt by the
16 Comptroller of the disbursement certification to the
17 municipalities or district provided for in this subsection to
18 be given to the Comptroller by the Department, the Comptroller
19 shall cause the orders to be drawn for the respective amounts
20 in accordance with the directions contained in the
21 certification. The proceeds of the tax paid to municipalities
22 or districts under this subsection shall be deposited into the
23 Business District Tax Allocation Fund by the municipality or
24 district, as applicable.

25 An ordinance or resolution imposing or discontinuing the
26 tax under this subsection or effecting a change in the rate
27 thereof shall either (i) be adopted and a certified copy
28 thereof filed with the Department on or before the first day of
29 April, whereupon the Department, if all other requirements of
30 this subsection are met, shall proceed to administer and
31 enforce this subsection as of the first day of July next
32 following the adoption and filing; or (ii) be adopted and a
33 certified copy thereof filed with the Department on or before
34 the first day of October, whereupon, if all other requirements

1 of this subsection are met, the Department shall proceed to
2 administer and enforce this subsection as of the first day of
3 January next following the adoption and filing.

4 The Department of Revenue shall not administer or enforce a
5 resolution or an ordinance imposing, discontinuing, or
6 changing the rate of the tax under this subsection, until the
7 municipality or district also provides, in the manner
8 prescribed by the Department, the boundaries of the ~~business~~
9 district area in such a way that the Department can determine
10 by its address whether a business is located in the ~~business~~
11 district area. The municipality or district must provide this
12 boundary information to the Department on or before April 1 for
13 administration and enforcement of the tax under this subsection
14 by the Department beginning on the following July 1 and on or
15 before October 1 for administration and enforcement of the tax
16 under this subsection by the Department beginning on the
17 following January 1. The Department of Revenue shall not
18 administer or enforce any change made to the boundaries of the
19 ~~a business~~ district area until the municipality or district, as
20 applicable, reports the boundary change to the Department in
21 the manner prescribed by the Department. The municipality or
22 district, as applicable, must provide this boundary change
23 information to the Department on or before April 1 for
24 administration and enforcement by the Department of the change
25 beginning on the following July 1 and on or before October 1
26 for administration and enforcement by the Department of the
27 change beginning on the following January 1. The retailers in
28 the ~~business~~ district area shall be responsible for charging
29 the tax imposed under this subsection. If a retailer is
30 incorrectly included or excluded from the list of those
31 required to collect the tax under this subsection, both the
32 Department of Revenue and the retailer shall be held harmless
33 if they reasonably relied on information provided by the
34 municipality or district.

1 A municipality or district that imposes the tax under this
2 subsection must submit to the Department of Revenue any other
3 information as the Department may require for the
4 administration and enforcement of the tax.

5 When certifying the amount of a monthly disbursement to a
6 municipality or district under this subsection, the Department
7 shall increase or decrease the amount by an amount necessary to
8 offset any misallocation of previous disbursements. The offset
9 amount shall be the amount erroneously disbursed within the
10 previous 6 months from the time a misallocation is discovered.

11 Nothing in this subsection shall be construed to authorize
12 the municipality or the district to impose a tax upon the
13 privilege of engaging in any business which under the
14 Constitution of the United States may not be made the subject
15 of taxation by this State.

16 If a tax is imposed under this subsection (b), a tax shall
17 also be imposed under subsection (c) of this Section.

18 (c) If a tax has been imposed under subsection (b), a
19 Business District Service Occupation Tax shall also be imposed
20 upon all persons engaged, within ~~in~~ the ~~business~~ district area,
21 in the business of making sales of service, who, as an incident
22 to making those sales of service, transfer tangible personal
23 property within the ~~business~~ district area, either in the form
24 of tangible personal property or in the form of real estate as
25 an incident to a sale of service. The tax shall be imposed at
26 the same rate as the tax imposed in subsection (b) and shall
27 not exceed 1% of the selling price of tangible personal
28 property so transferred within the ~~business~~ district area, to
29 be imposed only in 0.25% increments. The tax may not be imposed
30 on food for human consumption that is to be consumed off the
31 premises where it is sold (other than alcoholic beverages, soft
32 drinks, and food that has been prepared for immediate
33 consumption), prescription and nonprescription medicines,
34 drugs, medical appliances, modifications to a motor vehicle for

1 the purpose of rendering it usable by a disabled person, and
2 insulin, urine testing materials, syringes, and needles used by
3 diabetics, for human use.

4 The tax imposed under this subsection and all civil
5 penalties that may be assessed as an incident thereof shall be
6 collected and enforced by the Department of Revenue. The
7 certificate of registration which is issued by the Department
8 to a retailer under the Retailers' Occupation Tax Act or under
9 the Service Occupation Tax Act shall permit such registrant to
10 engage in a business which is taxable under any ordinance or
11 resolution enacted pursuant to this subsection without
12 registering separately with the Department under such
13 ordinance or resolution or under this subsection. The
14 Department of Revenue shall have full power to administer and
15 enforce this subsection; to collect all taxes and penalties due
16 under this subsection; to dispose of taxes and penalties so
17 collected in the manner hereinafter provided; and to determine
18 all rights to credit memoranda arising on account of the
19 erroneous payment of tax or penalty under this subsection. In
20 the administration of, and compliance with this subsection, the
21 Department and persons who are subject to this subsection shall
22 have the same rights, remedies, privileges, immunities, powers
23 and duties, and be subject to the same conditions,
24 restrictions, limitations, penalties, exclusions, exemptions,
25 and definitions of terms and employ the same modes of procedure
26 as are prescribed in Sections 2, 2a through 2d, 3 through 3-50
27 (in respect to all provisions therein other than the State rate
28 of tax), 4 (except that the reference to the State shall be to
29 the business district), 5, 7, 8 (except that the jurisdiction
30 to which the tax shall be a debt to the extent indicated in
31 that Section 8 shall be the municipality or the district as
32 applicable), 9 (except as to the disposition of taxes and
33 penalties collected, and except that the returned merchandise
34 credit for this tax may not be taken against any State tax),

1 10, 11, 12 (except the reference therein to Section 2b of the
2 Retailers' Occupation Tax Act), 13 (except that any reference
3 to the State shall mean the municipality or district, as
4 applicable), the first paragraph of Section 15, and Sections
5 16, 17, 18, 19 and 20 of the Service Occupation Tax Act and all
6 provisions of the Uniform Penalty and Interest Act, as fully as
7 if those provisions were set forth herein.

8 Persons subject to any tax imposed under the authority
9 granted in this subsection may reimburse themselves for their
10 serviceman's tax liability hereunder by separately stating the
11 tax as an additional charge, which charge may be stated in
12 combination, in a single amount, with State tax that servicemen
13 are authorized to collect under the Service Use Tax Act, in
14 accordance with such bracket schedules as the Department may
15 prescribe.

16 Whenever the Department determines that a refund should be
17 made under this subsection to a claimant instead of issuing
18 credit memorandum, the Department shall notify the State
19 Comptroller, who shall cause the order to be drawn for the
20 amount specified, and to the person named, in such notification
21 from the Department. Such refund shall be paid by the State
22 Treasurer out of the business district retailers' occupation
23 tax fund.

24 The Department shall forthwith pay over to the State
25 Treasurer, ex-officio, as trustee, all taxes, penalties, and
26 interest collected under this subsection for deposit into the
27 business district retailers' occupation tax fund. On or before
28 the 25th day of each calendar month, the Department shall
29 prepare and certify to the Comptroller the disbursement of
30 stated sums of money to named municipalities and districts from
31 the business district retailers' occupation tax fund, the
32 municipalities and districts to be those from which suppliers
33 and servicemen have paid taxes or penalties under this
34 subsection to the Department during the second preceding

1 calendar month. The amount to be paid to each municipality or
2 district shall be the amount (not including credit memoranda)
3 collected under this subsection during the second preceding
4 calendar month by the Department, less 2% of that amount, which
5 shall be deposited into the Tax Compliance and Administration
6 Fund and shall be used by the Department, subject to
7 appropriation, to cover the costs of the Department in
8 administering and enforcing the provisions of this subsection,
9 and not including an amount equal to the amount of refunds made
10 during the second preceding calendar month by the Department on
11 behalf of such municipality or district . Within 10 days after
12 receipt, by the Comptroller, of the disbursement certification
13 to the municipalities and districts, provided for in this
14 subsection to be given to the Comptroller by the Department,
15 the Comptroller shall cause the orders to be drawn for the
16 respective amounts in accordance with the directions contained
17 in such certification. The proceeds of the tax paid to
18 municipalities or districts under this subsection shall be
19 deposited into the Business District Tax Allocation Fund by the
20 municipality.

21 An ordinance or resolution imposing or discontinuing the
22 tax under this subsection or effecting a change in the rate
23 thereof shall either (i) be adopted and a certified copy
24 thereof filed with the Department on or before the first day of
25 April, whereupon the Department, if all other requirements of
26 this subsection are met, shall proceed to administer and
27 enforce this subsection as of the first day of July next
28 following the adoption and filing; or (ii) be adopted and a
29 certified copy thereof filed with the Department on or before
30 the first day of October, whereupon, if all other conditions of
31 this subsection are met, the Department shall proceed to
32 administer and enforce this subsection as of the first day of
33 January next following the adoption and filing.

34 The Department of Revenue shall not administer or enforce

1 an ordinance imposing, discontinuing, or changing the rate of
2 the tax under this subsection, until the municipality or
3 districts, as applicable, also provides, in the manner
4 prescribed by the Department, the boundaries of the ~~business~~
5 district area in such a way that the Department can determine
6 by its address whether a business is located in the ~~business~~
7 district area. The municipality or district, as applicable,
8 must provide this boundary information to the Department on or
9 before April 1 for administration and enforcement of the tax
10 under this subsection by the Department beginning on the
11 following July 1 and on or before October 1 for administration
12 and enforcement of the tax under this subsection by the
13 Department beginning on the following January 1. The Department
14 of Revenue shall not administer or enforce any change made to
15 the boundaries of a ~~business~~ district area until the
16 municipality or district, as applicable, reports the boundary
17 change to the Department in the manner prescribed by the
18 Department. The municipality must provide this boundary change
19 information to the Department on or before April 1 for
20 administration and enforcement by the Department of the change
21 beginning on the following July 1 and on or before October 1
22 for administration and enforcement by the Department of the
23 change beginning on the following January 1. The retailers in
24 the ~~business~~ district area shall be responsible for charging
25 the tax imposed under this subsection. If a retailer is
26 incorrectly included or excluded from the list of those
27 required to collect the tax under this subsection, both the
28 Department of Revenue and the retailer shall be held harmless
29 if they reasonably relied on information provided by the
30 municipality or district .

31 A municipality or district, as applicable, that imposes the
32 tax under this subsection must submit to the Department of
33 Revenue any other information as the Department may require for
34 the administration and enforcement of the tax.

1 Nothing in this subsection shall be construed to authorize
2 the municipality to impose a tax upon the privilege of engaging
3 in any business which under the Constitution of the United
4 States may not be made the subject of taxation by the State.

5 If a tax is imposed under this subsection (c), a tax shall
6 also be imposed under subsection (b) of this Section.

7 (d) By ordinance, a municipality that has established a
8 business district under this Division 74.3, or, by resolution,
9 a district established as a political subdivision in accordance
10 with this Division 74.3, may impose an occupation tax upon all
11 persons engaged in the business district area in the business
12 of renting, leasing, or letting rooms in a hotel, as defined in
13 the Hotel Operators' Occupation Tax Act, at a rate not to
14 exceed 1% of the gross rental receipts from the renting,
15 leasing, or letting of hotel rooms within the business
16 district, to be imposed only in 0.25% increments, excluding,
17 however, from gross rental receipts the proceeds of renting,
18 leasing, or letting to permanent residents of a hotel, as
19 defined in the Hotel Operators' Occupation Tax Act, and
20 proceeds from the tax imposed under subsection (c) of Section
21 13 of the Metropolitan Pier and Exposition Authority Act.

22 The tax imposed by the municipality or district, as
23 applicable, under this subsection and all civil penalties that
24 may be assessed as an incident to that tax shall be collected
25 and enforced by the municipality or district imposing the tax.
26 The municipality or district, as applicable, shall have full
27 power to administer and enforce this subsection, to collect all
28 taxes and penalties due under this subsection, to dispose of
29 taxes and penalties so collected in the manner provided in this
30 subsection, and to determine all rights to credit memoranda
31 arising on account of the erroneous payment of tax or penalty
32 under this subsection. In the administration of and compliance
33 with this subsection, the municipality, district and persons
34 who are subject to this subsection shall have the same rights,

1 remedies, privileges, immunities, powers, and duties, shall be
2 subject to the same conditions, restrictions, limitations,
3 penalties, and definitions of terms, and shall employ the same
4 modes of procedure as are employed with respect to a tax
5 adopted by the municipality under Section 8-3-14 of this Code.

6 Persons subject to any tax imposed under the authority
7 granted in this subsection may reimburse themselves for their
8 tax liability for that tax by separately stating that tax as an
9 additional charge, which charge may be stated in combination,
10 in a single amount, with State taxes imposed under the Hotel
11 Operators' Occupation Tax Act, and with any other tax.

12 Nothing in this subsection shall be construed to authorize
13 a municipality to impose a tax upon the privilege of engaging
14 in any business which under the Constitution of the United
15 States may not be made the subject of taxation by this State.

16 The proceeds of the tax imposed under this subsection shall
17 be deposited into the Business District Tax Allocation Fund.

18 (e) Obligations secured by the district allocation fund
19 pursuant to subsection (6) of Section 11-74.3-3.1 or subsection
20 (14) of Section 11-74.3-3.2 may be issued by the district, the
21 municipality, or other issuing authority to pay for the
22 business district project costs. These obligations shall be
23 retired from issued pursuant to subsection (14) of Section
24 11-74.3-3 shall be retired in the manner provided in the
25 ordinance authorizing the issuance of those obligations by the
26 receipts of taxes levied as authorized in subsections (11) and
27 (12) of Section 11-74.3-3.1 or subsections (12) and (13) of
28 Section 11-74.3-3.2 in the manner provided in the resolution of
29 the district authorizing the pledge of such funds to be
30 deposited in the district tax allocation fund. The district or
31 municipality, as applicable, may pledge all or any part of the
32 amounts in and to be deposited into the Business District
33 Allocation Fund to the payment of business district project
34 costs and obligations. subsections (12) and (13) of Section

1 ~~11-74.3-3. The ordinance shall pledge all of the amounts in and~~
2 ~~to be deposited in the Business District Tax Allocation Fund to~~
3 ~~the payment of business district project costs and obligations.~~
4 ~~Obligations issued pursuant to subsection (14) of Section~~
5 ~~11-74.3-3 may be sold at public or private sale at a price~~
6 ~~determined by the corporate authorities of the municipality and~~
7 ~~no referendum approval of the electors shall be required as a~~
8 ~~condition to the issuance of those obligations.~~ The resolution
9 or ordinance authorizing the obligations may include ~~require~~
10 ~~that the obligations contain~~ a recital that they are issued
11 pursuant to either Section 11-74.3-3.1 or Section 11-74.3-3.2,
12 as applicable, ~~subsection (14) of Section 11-74.3-3~~ and this
13 recital shall be conclusive evidence of their validity and of
14 the regularity of their issuance. These obligations shall bear
15 such date or dates and mature at such time or times not later
16 than 23 years from the date the resolution of the district
17 imposed the taxes authorized under this Division. No referendum
18 approval of the electors shall be required as a condition
19 precedent to the issuance of obligations pursuant to this
20 Division. The district, municipality, or other issuing
21 authority ~~The corporate authorities of the municipality~~ may
22 also issue its obligations to refund, in whole or in part,
23 obligations previously issued by the district, municipality,
24 or other issuing authority under the authority ~~of this Code,~~
25 whether at or prior to maturity, provided that the last of the
26 refunding obligations shall not mature later than 23 years from
27 the date the resolution of the district imposed the taxes
28 authorized under this Division. In the event a municipality
29 issues obligations under home rule powers or other legislative
30 authority, or another issuing authority issues obligations
31 under other legislative authority, and the proceeds of those
32 obligations are pledged to pay business district project costs,
33 the municipality or other issuing authority may, if it has
34 followed the procedures set forth in this Division, retire

1 those obligations from funds in the district tax allocation
2 fund in amount and in such manner as if those obligations had
3 been issued pursuant to the provisions of this Division. No
4 obligations issued pursuant to this Division shall. ~~All~~
5 ~~obligations issued pursuant to subsection (14) of Section~~
6 ~~11-74.3-3 shall not~~ be regarded as indebtedness of the
7 district, municipality, or other issuing authority issuing
8 those ~~the~~ obligations for the purpose of any limitation imposed
9 by law.

10 (f) When business district project costs ~~business district~~
11 ~~costs~~, including, without limitation, all district municipal
12 obligations financing business district project costs incurred
13 under either Section 11-74.3-3.1 or Section 11-74.3-3.2, as
14 applicable, Section 11-74.3-3 have been paid, any surplus funds
15 then remaining in the Business District Tax Allocation Fund
16 shall be distributed to the municipal treasurer for deposit
17 into the municipal general corporate fund. Upon payment of all
18 business district project costs and retirement of obligations,
19 but in no event more than 23 years after the date of adoption
20 of the ordinance or resolution approving the taxes imposed
21 pursuant to subsections (11) and (12) of Section 11-74.3-3.1 or
22 subsections (12) and (13) of Section 11-74.3-3.2, as
23 applicable, the district or municipality shall adopt a
24 resolution ordinance approving the business district
25 ~~development or redevelopment plan, the municipality shall~~
26 ~~adopt an ordinance~~ immediately rescinding the taxes imposed
27 pursuant to subsections (11) and (12) of Sections 11-74.3-3.1
28 or subsections (12) and (13) of Section 11-74.3-3.2, as
29 applicable 11-74.3-3.

30 (Source: P.A. 93-1053, eff. 1-1-05; 93-1089, eff. 3-7-05.)

31 (65 ILCS 5/11-74.3-7 new)

32 Sec. 11-74.3-7. Existing districts. Districts that were
33 established prior to the effective date of this amendatory Act

1 of the 94th General Assembly shall continue to operate and be
2 governed by the terms of this Division in effect prior to the
3 effective date of this amendatory Act of the 94th General
4 Assembly. A district established prior to the effective date of
5 this amendatory Act of the 94th General Assembly may become a
6 separate political subdivision of the State in accordance with
7 the terms of this amendatory Act of the 94th General Assembly
8 by the municipality by causing an amendment to be made to its
9 business district plan in accordance with the process provided
10 for in this amendatory Act of the 94th General Assembly, in
11 which case any taxes levied by the municipality within the
12 district prior to the district becoming a separate political
13 subdivision, shall automatically be rescinded, subject to
14 levying by the district of the taxes contemplated by this
15 Division in accordance with the procedures provided for in this
16 amendatory Act.

17 (65 ILCS 5/11-74.3-2 rep.)

18 (65 ILCS 5/11-74.3-4 rep.)

19 (65 ILCS 5/11-74.3-5 rep.)

20 Section 10. The Illinois Municipal Code is amended by
21 repealing Sections 11-74.3-2 (as added by Public Act 78-793),
22 11-74.3-4 and 11-74.3-5.

23 Section 99. Effective date. This Act takes effect upon
24 becoming law."